

## MINUTES

## LANCASTER CITY COUNCIL MEETING OF FEBRUARY 25, 2013

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on February 25, 2013 at 7:00 p.m. with a quorum present to-wit:

**Councilmembers Present:**

Mayor Marcus E. Knight  
Walter Weaver  
Stanley Jaglowski  
Mayor Pro Tem Marco Mejia  
Deputy Mayor Pro Tem James Daniels  
LaShonjia Harris  
Nina Morris

**City Staff Present:**

Opal Mauldin Robertson, City Manager  
Alicia Oyedele, Assistant to the City Manager  
Dori Lee, Human Resources Director  
Thomas Griffith, Fire Chief  
Larry Flatt, Police Chief  
M. C. Smith, Assistant Police Chief  
Rona Stringfellow Govan, Managing Director Public Works / Development Services  
Sean Johnson, Parks and Recreation Director  
Susan Cluse, Assistant Finance Director  
Ed Brady, Economic Development Director  
Robert Hager, City Attorney  
Dolle Downe, City Secretary

**Call to Order:**

Mayor Knight called the meeting to order at 7:00 p.m. on February 25, 2013.

**Invocation:**

Deacon Jones with World Harvest Ministries gave the invocation.

**Pledge of Allegiance:**

Councilmember Stanley Jaglowski led the pledge of allegiance.

**Citizens Comments:**

Mannix Smith, 1710 Hash Road, stated that several years have passed and the second phase of the annexation has not been taken in; asked if residents in phase two and three had been notified and if Dallas County had been notified for upkeep of the roads.

James Adams, 2003 Hash Road, stated that the City had not followed the law regarding the annexation plan and had not performed their duties in good faith; commented that sometimes the misses were not always unintentional; stated that some on Council may not be able to comprehend why he continues to speak regarding annexation; stated that he had been advised by counsel to sit back and wait; commented that there is no information on the City website now regarding annexation or the plan; demanded an official disposition from the City regarding annexation.

Vic Buchanon, 1243 Margaret Court, stated that politics are sometimes a nasty game; commented that the item on the agenda regarding the District 3 council representative is the result of someone not getting their way and not being chosen as Mayor Pro Tem; stated that a council office belongs to no one, and the position requires leadership and not a witch hunt; stated this matter creates unnecessary turmoil because someone did not get their way.

Daryle Clewis, 1421 Sunny Meadow, provided Council with a copy of his voter registration from the Dallas County Elections website; expressed concern about the Mayor Pro Tem's actual residence saying it appears he does not live there; asked City Council and the City Attorney to look into the matter.

Carolyn Morris, 887 W. Wintergreen Road, stated that looking into this type of matter takes courage; stated that every individual has a choice to run for office and every community member has a right to challenge if there is a question about where they live; stated that it seems you can circumvent property taxes by having goats on property; stated that this is not about one person and that people must stand for something or they will fall for anything; stated the community needs a representative that will look at the streets, trash and not give up a \$168,000 opportunity for development.

Councilmember Weaver commented that an understanding of ad valorem taxes would be helpful in that a house is built first and then taxed the next year; therefore, a tax bill of \$48 could be on the land while the house is being built. Councilmember Weaver stated that checking the tax roll for the next year would give ad valorem taxes on the land and the house.

**Consent Agenda:**

City Secretary Downe read the consent agenda.

- C1. Consider approval of minutes from the City Council Regular Meeting held February 11, 2013.**
- C2. Consider a resolution ordering a General Election to be held on Saturday, May 11, 2013, for the election of one councilmember for District 1, one councilmember for District 3, and one councilmember for District 5 for a three year term; providing for the publication and posting of notice; and providing for early voting dates, times and locations.**

**Considerere una resolución del consejo municipal de la ciudad de Lancaster, Texas, que ordena una elección general que se celebrara el 11 de mayo de 2013, para la elección de un concejo de distrito 1, un concejo de distrito 3, y un concejo de distrito 5 para un término de tres años; que contempla la publicación y publicación del aviso, la prestación para votación temprana fechas, horas y lugares; y proporcionar una fecha de vigencia.**

- C3. Consider a resolution approving the terms and conditions of a Joint Election Contract and Election Services Agreement with Dallas County Elections to conduct a municipal General Election for the election of one councilmember for District 1, one councilmember for District 3, and one councilmember for District 5 to be held on Saturday, May 11, 2013.**

**Considerar una resolución del Consejo Municipal de la Ciudad de Lancaster, Texas, aprueba los términos y condiciones de un acuerdo electoral común y elección del contrato de servicios con las elecciones del condado de Dallas para llevar a cabo una elección municipal del Consejo General de los distritos 1, 3 y 5 que se celebrará el Sábado, 11 de mayo 2013.**

- C4. Consider a resolution adopting the Lancaster City Council Rules and Procedures, as amended.**
- C5. Consider a resolution designating representatives of the City of Lancaster authorized to transmit and withdraw funds and take all other actions deemed necessary or appropriate for the investment of local funds in TexPool/TexPool Prime.**

Mayor Pro Tem Mejia requested item C4 be removed from the consent agenda.

**MOTION:** Councilmember Weaver made a motion, seconded by Councilmember Morris, to approve consent items C1 – C3 and C5. The vote was cast 7 for, 0 against.

Mayor Pro Tem Mejia stated that he had some suggestions for the Council Rules and Procedures that he would like discussed in a work session.

**MOTION:** Mayor Pro Tem Mejia made a motion, seconded by Deputy Mayor Pro Tem Daniels, to table amending the Council Rules and Procedures [item C4] to the next work session.

With no objection, Mayor Knight announced withdrawal of item C4 from the agenda.

**6. Discuss and consider:**

**(A) a resolution authorizing the City Manager to execute an economic development agreement pursuant to Chapter 380, Texas Local Government Code, by and between the City of Lancaster and BMW of North America, LLC (“BMW”).**

**(B) a resolution authorizing the Mayor to sign a letter in support of BMW of North America, LLC’s application to DFW Airport for a foreign trade zone designation for their facility in Lancaster.**

City Manager Mauldin Robertson noted that BMW of North America has selected the Lancaster site in ProLogis 20/35 Park for a 300,000 square foot new facility for a parts warehouse distribution operation and outlined the terms of the development agreement with BMW of North America which includes a fifty percent business personal property tax grant for ten years, coinciding with the lease term for the new facility. In addition, City Manager Mauldin Robertson stated that BMW has requested a letter from the City [item 6B] in support of their application to DFW Airport for a Foreign Trade Zone designation for their facility.

**MOTION:** Mayor Pro Tem Mejia made a motion, seconded by Councilmember Weaver, to approve a resolution authorizing the City Manager to execute an economic development agreement with BMW of North America, LLC and authorizing the Mayor to sign a letter in support of BMW's application to DFW Airport for a Foreign Trade Zone designation for their facility in Lancaster. The vote was cast 7 for, 0 against.

**7. Consider a resolution accepting the 2012 Racial Profiling Analysis Annual Report.**

Police Chief Flatt reviewed the 2012 Racial Profiling Analysis Report as prepared by the University of North Texas stating that there are no violations and that appropriate policies and required training for officers are in place. Chief Flatt stated that racial profiling is unacceptable and would not be tolerated. Chief Flatt commented that weekly three to six videos of traffic stops are randomly reviewed to help ensure compliance with departmental policy and the law.

Deputy Mayor Pro Tem Daniels commented that he has served on Council a long time and previously, under a different Police Chief, there were some complaints. Deputy Mayor Pro Tem Daniels commended Chief Flatt and his officers for their professionalism.

Councilmember Weaver expressed his thanks for the Chief and the entire Police Department for their diligent efforts.

**MOTION:** Mayor Pro Tem Mejia made a motion, seconded by Deputy Mayor Pro Tem Daniels, to approve a resolution accepting the 2012 Racial Profiling Analysis Annual Report as presented. The vote was cast 7 for, 0 against.

Mayor Pro Tem Mejia requested that item 8(B) on the Executive Session be conducted in open session. City Attorney Hager stated that the matter was posted as an Executive Session to protect privacy; however, under the law, Mayor Pro Tem Mejia may request the item be in a public forum. Mayor Pro Tem Mejia made the request.

**Executive Session:**

At 7:32 p.m. Council recessed to go into Executive Session. At 7:35 p.m. the Council convened into closed Executive Session pursuant to 8 (A) only.

**8. The City Council shall convene into closed executive session pursuant to:**

**(A) Section § 551.071 (1) of the TEXAS GOVERNMENT CODE to consult with the City Attorney and Special Legal Counsel concerning pending litigation or settlement offer regarding Cause No. DC11-10174 Con-Way Truckload, Inc. v. the City of Lancaster; and**

**(B) Section § 551.074 (a)(2) of the TEXAS GOVERNMENT CODE to hear a complaint or charge against an officer, to wit: District 3 councilmember.**

**9. Reconvene into open session. Consider and take appropriate action(s), if any, on executive session matters.**

The City Council recessed from Executive Session at 8:00 p.m. and reconvened into open session at 8:14 p.m.

**MOTION:** Mayor Pro Tem Mejia made a motion, seconded by Deputy Mayor Pro Tem Daniels, to hire special legal counsel, the firm of Fee, Smith, Sharp & Vitullo, Mr. Darrell Noga, in Cause No. DC11-1017474 Con-Way Truckload, Inc. v. the City of Lancaster and to authorize the City Manager to sign a representation agreement. The vote was cast 7 for, 0 against.

Mayor Knight noted that at the request of Mayor Pro Tem Mejia, item 8B would be discussed in open session.

Councilmember Morris stated that there are concerns in the community regarding if Mayor Pro Tem Mejia lives in District 3, stating that it is their duty to address the matter and to operate under the City's ethical codes and rules and procedures. Councilmember Morris stated that it is not a personal attack. Councilmember Morris handed out information from a real estate agency listing site showing the house at 501 Colgate for sale with pictures of empty rooms; information from the Dallas Central Appraisal District showing Irene Mejia and Marco Mejia as co-owners of property at 1500 W. Main Street; and various City permits and homeowner's affidavit information for 1500 W. Main Street.

Mayor Pro Tem Mejia stated that the house at 501 Colgate had been on the market and pictures of the interior were photographed without furniture to help sell the house indicating that in a third bedroom in the house is where he lives. Mayor Pro Tem Mejia stated that he has lived in that house all his life and invests in homes and property in Lancaster. Mayor Pro Tem Mejia stated that he does co-own property at 1500 W. Main Street with his mother, Mrs. Irene Mejia and that the property at 1500 W. Main Street is a commercial, not residential, account. Mayor Pro Tem Mejia stated that Mejia Enterprises, as listed on the permit information, was the builder at 1500 W. Main.

Councilmember Morris stated that the question is about his domicile.

City Attorney Hager explained that under the Election Code, a residence means a domicile that is one's home and fixed place of habitation to which one intends to return after any temporary absence and that proof of domicile may be evidenced by, among other items, mail received at the address, a utility account in one's name at the address, a driver's license bearing the address, and voter's registration at the address.

Mayor Pro Tem Mejia provided numerous pieces of mail with the 501 Colgate address including magazines, a bank statement and letter with a credit card attached, in addition to a water bill for the address. Mayor Pro Tem Mejia asked the City Secretary to read into the record the address on his driver's license and concealed handgun permit. City Secretary Downe read the address as 501 Colgate Drive, Lancaster, Texas from both identifications.

Mayor Pro Tem Mejia stated that this is about transparency to his constituents and the accusations are being brought forward because he is up for re-election in May. Mayor Pro Tem Mejia asked the City Secretary to outline the process to place a candidate's name on the ballot. City Secretary Downe stated that a Declaration of Residency form is required which contains an oath regarding residing in the district; a driver's license is viewed and the oath is signed by the

City Council Meeting  
February 25, 2013  
Page 6 of 6

candidate and notarized by the City Secretary. In addition, a state prescribed form, Application for a Place on the Ballot is required that contains an oath that includes language that statements on the application are true and correct. The application form requires notarization by a notary other than the City Secretary. Mayor Pro Tem Mejia asked the City Secretary to verify he had filed the two forms for the May 2013 election with her as outlined and the address contained on the forms was 501 Colgate Drive. City Secretary Downe stated that was correct.

Further discussion ensued among council regarding the matter. City Attorney Hager was asked again to define domicile and items that may serve as evidence of residency which he did. No action was necessary or taken.

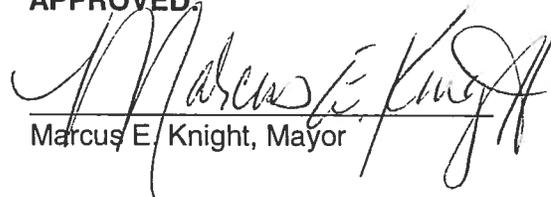
**MOTION:** Deputy Mayor Pro Tem Daniels made a motion, seconded by Mayor Pro Tem Mejia to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 8:57 p.m.

**ATTEST:**

  
\_\_\_\_\_  
Dolle K. Downe, City Secretary

**APPROVED:**

  
\_\_\_\_\_  
Marcus E. Knight, Mayor